

Cowan, Liebowitz & Latman, P.C.

Law Offices

1133 Avenue of the Americas • New York, NY 10036-6799

(212) 790-9200 • www.cll.com • Fax (212) 575-0671

TTAB

Todd W. Evans
Direct (212) 790-9265
twe@ccll.com

October 25, 2006

By Express Mail (EV 604912503 US)

BOX TTAB FEE
Commissioner for Trademarks
P.O Box 1451
Alexandria, VA 22313-1451

Attention: Trademark Trial and Appeal Board

Re: New York Yankees Partnership
Notice of Opposition against
El Cartel Records, Inc.'s
Application to Register DADDY YANKEE
Attorney Ref. No. 21307.033

Dear Commissioner:

We enclose an original Notice of Opposition against Application Serial Number 78/735,417, published in the Official Gazette of June 27, 2006. We also enclose a check to cover filing fees.

If the enclosed check is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

10-25-2006

U.S. Patent & TMO/TM Mail Rpt Dt #72


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Commissioner for Trademarks
October 25, 2006
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Kindly confirm receipt of this opposition by returning the attached postcard and address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,



Todd W. Evans

Enclosures

cc: Ms. Diane Kovach (w/encs. – by fax)
Mary L. Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)

Ref. No. 21307.033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 78/735,417
Filed: October 18, 2005
For Mark: DADDY YANKEE
Published in the Official Gazette: June 27, 2006

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NEW YORK YANKEES PARTNERSHIP, :

Opposer, :

v. :

EL CARTEL RECORDS, INC., :

Applicant. :

-----X

NOTICE OF OPPOSITION

Opposition No.

Commissioner for Trademarks
Attention: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Opposer, New York Yankees Partnership ("Opposer"), an Ohio limited partnership, located at Yankee Stadium, Bronx, New York 10451, believes that it will be damaged by the registration of the word mark DADDY YANKEE in International Class 9 for "prerecorded phonograph records, CDs, audio tapes, video tapes, DVDs and laser discs featuring music, comedy or drama" as shown in Application Serial No. 78/735,417 (the "Application"), and having been granted an extension of time to oppose up to and including October 25, 2006, hereby opposes the same.

As grounds for opposition, it is alleged that:

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on
October 25, 2006

(Date of Deposit)

(Print name)

(Signature)

1. Opposer is the owner of the renowned NEW YORK YANKEES MAJOR LEAGUE BASEBALL club (the "Club").

2. Since long prior to May 1, 1997, Applicant's claimed first use date, Opposer, its predecessors, their affiliates, licensees and/or sponsors have used the names and marks "YANKEE" and "YANKEES," in block letters as well as in certain distinctive stylizations, either alone and/or with other words, letters and/or designs ("Opposer's YANKEE Marks") in connection with baseball game and exhibition services at which music is also played and performed and a wide variety of goods and services, including, without limitation, video recordings, clothing, paper goods and printed matter, and toys and sporting goods. Opposer has also used and is using Opposer's YANKEE Marks in connection with television programming and audio recordings.

3. Opposer owns U.S. Federal registrations and applications for Opposer's YANKEE Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 26, 28, 30, 34 and 41; namely, Application Serial Nos. 77/009,819, 78/637,659, 78/637,661, 78/637,662, 78/637,663, 78/637,664, 78/637,654, 78/637,656, 78/637,653, 78/843,337, 78/843,342 and 78/666,462 and Registration Nos. 3,022,847, 3,022,848, 2,994,114, 2,970,918, 2,575,644, 2,940,306, 2,867,047, 2,867,048, 2,843,353, 2,858,237, 2,632,493, 2,309,488, 2,889,384, 2,866,959, 2,886,760, 2,368,952, 1,671,731, 1,542,501, 1,550,798, 1,161,865, 1,073,346 and 1,032,767. Registration Nos. 2,309,488, 1,671,731, 1,542,501, 1,550,798, 1,161,865, 1,073,346 and 1,032,767 are incontestable.

4. Since long prior to May 1, 1997, Applicant's claimed first use date, Opposer, its predecessors, their affiliates, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing Opposer's YANKEE Marks in connection with

baseball game and exhibition services at which music is also played and performed and a wide variety of goods and services, including, without limitation, video recordings, clothing, paper goods and printed matter, and toys and sporting goods. Opposer also has promoted and advertised, and continues to promote and advertise, the sale and distribution of television programming and audio recordings in connection with Opposer's YANKEE Marks.

5. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with Opposer's YANKEE Marks, Opposer has built up highly valuable goodwill in Opposer's YANKEE Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On October 18, 2005, Applicant filed Application Serial No. 78/735,417 to register the word mark DADDY YANKEE in connection with "prerecorded phonograph records, CDs, audio tapes, video tapes, DVDs and laser discs featuring music, comedy or drama" in International Class 9, claiming a first use date of May 1, 1997.

7. Upon information and belief, Applicant did not use the mark DADDY YANKEE for the goods covered in the Application prior to its constructive first use date of May 1, 1997.

8. Upon information and belief, Applicant is a record company that represents a musical artist known as "Daddy Yankee", and Applicant uses the mark DADDY YANKEE in connection with that musical artist's audio and video recordings.

9. Upon information and belief, Applicant and the musical artist known as "Daddy Yankee" use the mark DADDY YANKEE in a stylization that closely resembles the stylization used in certain of Opposer's YANKEE Marks, including, without limitation, the distinctive fonts and stylizations shown in Opposer's Registration Nos. 1,161,865 and 1,542,501.

10. Upon information and belief, certain trademarks owned by Opposer, including, without limitation, the marks shown in Opposer's Registration No. 1,182,757 and Registration No. 1,577,279 for two different stylizations of the letters "NY", as well as logos identifying the MAJOR LEAGUE BASEBALL organization of which Opposer is a member and/or baseball-themed items, frequently appear in images and/or on clothing and/or jewelry worn by the musical artist known as "Daddy Yankee" or others who perform with him, including, without limitation, on the covers of "Daddy Yankee" audio and video recordings released by Applicant, on the web site at www.daddyyankee.com, in photographs featuring "Daddy Yankee", and in "Daddy Yankee" music videos, and Applicant frequently refers to and promotes himself as YANKEE.

11. Upon information and belief, the songs and/or performances of the musical artist known as "Daddy Yankee" contain some offensive material.

12. The goods covered by the Application are closely related to the goods offered and services rendered in connection and/or association with Opposer's YANKEE Marks.

13. Applicant's DADDY YANKEE mark so resembles Opposer's YANKEE Marks as to be likely, when applied to Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would be injured by the granting to Applicant of a certificate of registration for Applicant's DADDY YANKEE mark.

14. Opposer would be further injured by the granting of a certificate of registration to Applicant because Applicant's DADDY YANKEE mark would falsely suggest a connection between Applicant and Opposer.

15. Opposer's YANKEE Marks are distinctive and famous and were so prior to May 1, 1997, Applicant's claimed first use date. Registration of Applicant's DADDY YANKEE mark will also injure Opposer by diluting, by blurring and tarnishment, the distinctive quality of Opposer's YANKEE Marks.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's DADDY YANKEE mark and requests that the opposition be sustained and said registration be denied.

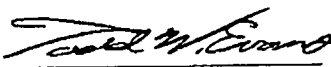
Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Todd W. Evans (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
October 25, 2006

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: 

Mary L. Kevlin
Richard S. Mandel
Todd W. Evans
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200